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PATENT TRADEMARK OFFICE

PATENT  
Attorney Docket No. 08888.0549

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Shian-Jiun SHIH *et al.*

Application No.: 09/763,210

Filed: October 16, 2001

For: ADENOVIRUS FORMULATIONS  
FOR GENE THERAPY

)  
)  
) Group Art Unit: 1632

)  
) Examiner: Not yet assigned  
)

Commissioner for Patents  
Washington, DC 20231

Sir:

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**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. To the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office action on the merits for this application.

Copies of the listed documents, including any copending patent applications, are attached. Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

For the following foreign language documents, Applicants submit the indicated English language equivalents:

EP 0 185573B1

U.S. Patent No. 6,426,216;

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EP 0 198745B1	U.S. Patent No. 5,037,744;
EP 0 200590B1	U.S. Patent No. 4,914,027;
EP 0 236210B1	U.S. Patent No. 5,100,784;
EP 0 319067B1	U.S. Patent No. 4,990,447;
WO 96/22378	U.S. Patent No. 6,127,175; and
WO 97/33975	U.S. Patent No. 6,248,588.

As described in the specification at page 11, WO95/02697 discloses examples of E1/E4 deleted adenoviruses.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

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If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
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Dated: November 14, 2002

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## INFORMATION DISCLOSURE CITATION

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Applicant Shian-Jiun SHIH <i>et al.</i>		NOV 15 2002
Filing Date October 16, 2001	Group: 1632	TECH CENTER 1600/2900

## U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	4,650,764	03/17/87	Temin et al.			
	4,797,368	01/10/89	Carter et al.			
	4,873,316	10/10/89	Meade et al.			
	4,980,289	12/25/90	Temin et al.			
	5,124,263	06/23/92	Temin et al.			
	5,139,941	08/18/92	Muzyczka et al.			
	5,168,062	12/01/92	Stinski			
	5,302,697	04/12/94	Goodey et al.			
	5,385,839	01/31/95	Stinski			
	5,399,346	03/21/95	Anderson et al.			
	5,637,504	06/10/97	Hinchliffe et al.			
	5,648,243	07/15/97	Hurwitz et al.			
	5,780,009	06/14/98	Karatzas et al.			
	5,783,423	07/21/98	Wood et al.			

## FOREIGN PATENT DOCUMENTS

Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
EP 0 073 646 B1	05/17/89	EPO			
EP 0 178 220 B1	01/02/92	EPO			
EP 0 185 573 B1	05/20/92	EPO			
EP 0 198 745 B1	05/16/90	EPO			
EP 0 200 590 B1	07/19/89	EPO			

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	EP 0 201 239 B1	10/18/89	EPO			
	EP 0 236 210 B1	10/23/91	EPO			
	EP 0 319 067 B1	12/18/91	EPO			
	EP 0 361 991 B1	12/15/99	EPO			
	EP 0 453 242 B1	04/16/91	EPO			
	EP 0 488 528 B1	10/29/91	EPO			
	WO 91/18088	11/28/91	WIPO			
	WO 93/09239	05/13/93	WIPO			
	WO 94/12649	06/09/94	WIPO			
	WO 94/26914	11/24/94	WIPO			
	WO 94/28152	12/08/94	WIPO			
	WO 94/28938	12/22/94	WIPO			
	WO 95/02697	01/26/95	WIPO			
	WO 95/07358	03/16/95	WIPO			
	WO 95/23857	09/08/95	WIPO			
	WO 96/01313	01/18/96	WIPO			
	WO 96/22378	07/25/96	WIPO			
	WO 97/33975	09/18/97	WIPO			

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Adams, J., <i>et al.</i> , The <i>c-myc</i> oncogene driven by immunoglobulin enhancers induces lymphoid malignancy in transgenic mice, Nature, 318:533-538 (1985).
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